

Message Text

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72

ACTION DLOS-07

INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-14 RSC-01

IO-14 OIC-04 COA-02 EB-11 FEA-02 JUSE-00 INT-08

COME-00 DOTE-00 NSF-04 OMB-01 TRSE-00 SWF-02 AGR-20

ACDA-19 AEC-11 CG-00 FMC-04 EPA-04 SCI-06 CEQ-02

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07

PA-04 PRS-01 SP-03 SS-20 USIA-15 DRC-01 /273 W

----- 110439

R 101826Z MAY 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 0259

INFO AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY TOKYO

C O N F I D E N T I A L LONDON 05864

E.O. 11652: GDS

TAGS: PBOR

SUBJECT: LOS: GROUP OF FIVE HEADS OF DELEGATION:

MEETING OF MAY 10.

BEGIN SUMMARY: GROUP OF FIVE REVIEWED ITS WORK DURING
WEEK AND THAT OF WORKING GROUPS. END SUMMARY.

1. SEABEDS. DISCUSSION LIMITED TO QUESTION OF
SPONSORING STATE AND ACCESS TO DISPUTE SETTLEMENT
MACHINERY ISSUE AND QUOTA SYSTEM. US(STEVENSON) URGED
THAT GROUP CONTINUE TO EXPLORE WAYS TO RESOLVE QUESTION
OF ACCESS FOR PARTIES TO DISPUTE SETTLEMENT AND NOTED
THAT LIMITING SCOPE OF ACCESS TO TECHNICAL ISSUES SEEMED
PROMISING APPROACH. HE ASKED THAT GROUP NOT INDICATE
PUBLICLY DIFFERENCES ON QUOTA QUESTION' STEVENSON
INDICATED THAT U.S. WOULD PREPARE AND DISTRIBUTE REVISED
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SEABED MINING RULES AND REGULATIONS.

2. JAPAN (SUGIHARA) STATED JAPANESE POSITION ON SPONSORING STATE ISSUE WAS UNDER STUDY AND POSITION WAS FOR MOMENT NEUTRAL BUT COULD BE FLEXIBLE. JEANNEL WARNED THAT GIVING PRIVATE PARTIES DIRECT ACCESS TO DISPUTE SETTLEMENT MACHINERY BY LIMITING SCOPE WAS STILL NOT ACCEPTABLE. ALL AGREED IT WOULD BE NECESSARY TO TABLE PROPOSED RULES AND REGULATIONS IN CARACAS AS BALANCE TO ANTICIPATED TABLING OF PINTO LDC DRAFT.

3. DISPUTE SETTLEMENT. JACKLING SAID UK WOULD PREPARE PAPER ON DISPUTE SETTLEMENT BASED ON FUNCTIONAL APPROACH AND CIRCULATE THIS TO MEMBERS OF GROUP OF FIVE. JEANNEL SUPPORTED UK APPROACH. STEVENSON URGED THAT UK CONSIDER IMPORTANCE OF UNIFORM INTERPRETATION OF TREATY AND EXPRESSED HOPE THAT FUNCTIONAL APPROACH NOT DECENTRALIZE DISPUTE SETTLEMENT PROCESS.

4. TERRITORIAL SEA AND STRAITS. GROUP REVIEWED WORK OF WORKING GROUP. UK AGREED TO REVISE STRAITS PAPER IN LIGHT OF DISCUSSIONS. MAJOR ISSUES CONSIDERED WERE QUESTION OF LIABILITY FOR DAMAGE CAUSED BY TRANSITING CRAFT SUBJECT TO SOVEREIGN IMMUNITY AND REFERENCE TO HIGH SEAS FREEDOMS OR RIGHTS. ROMANOV MADE STRONG STATEMENT OPPOSING ANY PROVISION THAT WOULD PERMIT ARREST OF TRANSITING SHIPS. US (MOORE) ARGUED THAT IN SOME VERY SPECIFIC CASES IT WOULD BE NECESSARY TO ACCEPT COASTAL STATE ENFORCEMENT POWERS. IF POWERS NOT SPELLED OUT, THERE WILL BE DANGEROUS AMBIGUITY. STEVENSON URGED THAT LIABILITY PROVISION IS NECESSARY TO AVOID UNDESIRABLE REGULATION.

5. JACKLING ANNOUNCED THAT UK DEL COULD NOT ACCEPT ANY FURTHER MODIFICATION ON THESE POINTS. HE STATED UK WOULD CIRCULATE DRAFT STRAITS ARTICLE, BUT NO DECISION AS TO WHETHER ARTICLES WOULD BE INTRODUCED OFFICIALLY OR INFORMALLY. STEVENSON INDICATED EVENSEN GROUP NOT APPROPRIATE FORUM FOR STRAITS NEGOTIATION SINCE CONCERNED STAAT NOT ALL REPRESENTED AND ALSO IT DESIRABLE THAT DEFENSE REPRESENTATIVES

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PARTICIPATE IN NEGOTIATION OF STRAITS ARTICLES WHICH WOULD BE DIFFICULT IN EVENSEN GROUP. JEANNEL SAID UK STRAITS PAPER LARGELY MEETS FRENCH CONCERNS BUT URGED THAT RULE OF CONSENSUS APPLY WITHIN GROUP OF FIVE.

6. JEANNEL RAISED ISLANDS ISSUE AGAIN, STRESSING THAT POLICY OF TREATING ISLANDS IN SAME MANNER AS MAINLAND IS OF MOST IMPORTANCE TO FRANCE AND FRANCE EXPECTS

SUPPORT ON ISSUE FROM GROUP OF FIVE.

7. STEVENSON DISTRIBUTED COPY OF DRAFT ARTICLES ON
ECONOMIC ZONE PREPARED BY WORKING GROUP. (COPY BEING
POUCHED D/LOS, MCINTYRE).

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Message Attributes

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